

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Daniel Casanova

v.

Civil No. 10-cv-485-JD

Hillsborough County Department
of Corrections, Superintendent, et al.

O R D E R

Pro se prisoner Daniel Casanova's motion to proceed in forma pauperis was granted in this case on November 4, 2010. That order waived the filing fee because plaintiff lacked funds to pay the fee. See Endorsed Order (Nov. 4, 2010). The Prison Litigation Reform Act of 1995 ("PLRA"), in pertinent part codified at 28 U.S.C. § 1915(b), requires that an inmate proceeding in forma pauperis pay the full amount of the filing fee, in installments payable over time, even if an initial filing fee payment is waived due to insufficient funds.

In this matter, this court consolidated three related cases filed by plaintiff into the above-captioned case. The court's intent at that time was to render plaintiff responsible for paying a single filing fee for the consolidated action, in a manner consistent with the requirements of 28 U.S.C. § 1915(b)(1). See Order (doc. no. 9) (May 23, 2011). The court's consolidation order, however, inadvertently failed to specify that the filing fee for the consolidated case must be

paid in installments pursuant to § 1915(b)(2), and also failed to set forth the terms of such payment.

To ensure that plaintiff pays the fee going forward in this case, consistent with this order and the PLRA, the inmate accounts administrator at the Hillsborough County Department of Corrections ("HCDOC") shall remit monthly payments of 20% of each preceding month's income credited to Casanova's inmate account, when the amount in that account exceeds \$10.00, until the sum of \$350.00 is paid. See 28 U.S.C. § 1915(b)(2).

The Prisoner Consent Form executed by Casanova on May 20, 2011, in Case No. 11-cv-193-JL, authorized the HCDOC accounts administrator to pay the filing fee over time in that case. See Prisoner Consent Form filed in Case No. 11-cv-193-JL, doc. no. 6. That case was consolidated into this case. See Order (doc. no. 9). The signed consent form filed in that case shall be deemed to direct the HCDOC inmate accounts administrator to make the payments specified herein for this case.

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

Date: May 29, 2012

cc: Lawrence A. Vogelmann, Esq.
John A. Curran, Esq.
Hillsborough County Depart. of Corrections Inmate Accounts
Bonnie Reed, Financial Administrator

LBM:nmd